

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**May 12, 2005**

**TO:** Honorable David Dewhurst, Lieutenant Governor, Senate

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE: SB15** by Janek (Relating to civil claims involving exposure to asbestos and silica.), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would adopt medically accepted standards for differentiating between individuals with asbestos-related or silica-related disease causing functional impairment and individuals with no functional impairment. The bill would establish medical credentials necessary before a physician could evaluate an individual allegedly suffering from impairment due to exposure to asbestos or silica, and provide a method to dismiss lawsuits in which the exposed person had no functional impairment.

The bill would subject related claims to the rules for multi-district litigation (MDL). The bill would require MDL pretrial courts to report certain information by September 1, 2010 regarding claims administration. The bill would establish a specific period of limitation in which to bring claims for an asbestos-related to silica-related injury or death. Cause of action would begin accruing either on the date of the exposed person's death or the date that the claimant served a report, whichever came earlier. The bill would establish reporting requirements for claims involving asbestos-related injury and claims involving silica-related injury, and the bill would establish deadlines for serving reports. If a claimant did not provide a report in a timely manner, or was not compliant with reporting requirements, the bill would establish dismissal procedures.

The bill would prohibit entities that offer a health benefit plan or an annuity or life insurance policy or contract from rejecting, denying, limiting, canceling, refusing to renew or increasing the premiums for, or otherwise adversely affecting a person's eligibility for or coverage under the health benefit plan due to exposure to asbestos or silica or because they filed a claim.

The bill would provide for a direct appeal to the Supreme Court for a challenge to the statute.

The bill may result in the dismissal of a number of civil suits based on exposure to asbestos or silica; however, the reduction in pending cases is not anticipated to have a significant fiscal implication to the state. The bill would take effect September 1, 2005.

**Local Government Impact**

The bill may result in the dismissal of a number of civil suits based on exposure to asbestos or silica; however, the reduction in pending cases is not anticipated to have a significant fiscal impact on units of local government.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 307 Secretary of State, 503 Board of Medical Examiners, 582 Commission on Environmental Quality, 201 Supreme Court of Texas, 304 Comptroller of Public Accounts

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